FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR.

Writ Petition No. 747 of 2007
(Ashok Gulabrao Shelke **VERSUS** The Zilla Parishad, Amravati through C.E.O.**)**

Appeal
Application No.
Writ petition

District :
of 200

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's Orders

Mr. Saboo, counsel for the petitioner.

CORAM : Smt. Vasanti A. Naik, J.
DATE : 3rd December, 2007.

Heard Mr. Saboo, the learned counsel for the petitioner.

By this petition, the petitioner impugnes the judgment passed by the Industrial Court, Amravati in complaint U.L.P. No.242/1997.

It was the case of the complainant/ petitioner that the respondent,C.E.O., Zilla Parishad, had committed unfair labour practice under Item 9 of Schedule IV of M.R.T.U. and P.U.L.P. Act by reverting the petitioner from Class-III to Class-IV post as 'Parichar'. The petitioner also sought the setting aside of the order reverting the petitioner. The main ground of the petitioner for challenging the enquiry

as also the order of reversion dated 17.03.1997 was that the petitioner was not afforded a reasonable opportunity to participate in the enquiry proceedings conducted against the petitioner.

Though the petitioner had deposed that he was not served with a charge-sheet and the other necessary documents, the witness examined on behalf of the respondent deposed that the enquiry was conducted against petitioner after serving a charge-sheet upon him. It was further stated by the witness that on the basis of report of enquiry officer, a show cause notice was served on the petitioner but, the petitioner failed to file reply. The respondent produced evidence before the Court in the form of Articles 'A', 'B' and 'C'. Article 'A' bears the signature of the petitioner. Articles 'B' and 'C' were also served on the petitioner according to the respondent. The Court perused the contents of Article 'A' which revealed that the notice of enquiry was served upon the petitioner and he refused to accept the said notice. The Court observed that Article 'B' and 'C'

also revealed that the petitioner had not supplied the correct address of his place of residence and the notice of enquiry was also given to the petitioner by Registered Post Acknowledgment Due. The Court further considered that the endorsement on Article 'B', notice of enquiry dated 11.01.1994, further showed that the petitioner had refused to accept the notice. The Court found that the behaviour and attitude of the petitioner in not accepting notice of enquiry and not supplying his correct address of residence clearly revealed that he himself had not cooperated in the enquiry and it was not fair on the part of the petitioner to then canvass that the enquiry was not conducted by following the principles of natural justice. According to the Industrial Court, the documents produced by the respondent on record clearly showed that the respondent had tried to serve the notice on the petitioner but, he had refused to accept the same. According to the Industrial Court, the other enquiry papers placed on record reveals that the enquiry officer had taken utmost care in

informing the petitioner about the date, time and place of enquiry but, it was the petitioner who had not cooperated with the department. In the aforesaid background, the Industrial Court, Amravati recorded a categorical finding that the enquiry conducted against the petitioner was just and reasonable and was in accordance with the principles of natural justice. Therefore, no fault can be found with the judgment passed by the Industrial Court on 20.09.2006.

The petition is devoid of merits, and therefore, the same is dismissed with no order as to costs.

JUDGE

APTE